

BOARD OF BARBERING AND COSMETOLOGY

Title 16, Division 9 of the California Code of Regulations.

Second Modified Text

| LEGEND | |
|------------------------------------|---|
| <u>Underline</u> | Indicates proposed amendments or additions to the existing regulation made in the originally proposed text. |
| Strikeout | Indicates proposed deletions to the existing regulation made in the originally proposed text. |
| <u>Double Underline</u> | Indicates an addition to the originally proposed text of the regulation in the first modified text. |
| Double Strikeout | Indicates a deletion to the originally proposed text of the regulation in the first modified text. |
| <i>Italics</i> | <i>Indicates an addition to the first modified text of the regulation in this second modified text.</i> |
| Italics | <i>Indicates a deletion to the first modified text of the regulations in this second modified text</i> |

Amend Section 974 of the California Code of Regulations as follows:

974. Schedule of Administrative Fines

(a) An administrative fine may be assessed for violations of the specified sections of the Business and Professions Code and ~~Title 16~~ of Division 9 of Title 16 of the California Code of Regulations as follows:

~~Schedule of Administrative Fines~~

| Section | 1st Violation | 2nd Violation | 3rd Violation | Correctable Waiveable Waivable |
|--|-------------------------------------|-------------------------------------|-------------------------------------|--|
| 7313. <u>Access to Establishment for Inspection</u> | 400 <u>250</u> | <u>500</u> | <u>750</u> | No |
| 7317. <u>Unlicensed Establishment</u> | 4,000 <u>500</u> | <u>1,000</u> | <u>1,000</u> | No |
| <u>7317. Unlicensed Individual</u> | <u>1,000</u> | <u>1,000</u> | <u>1,000</u> | <u>No</u> |
| <u>7317. Expired Establishment License</u> | <u>250</u> | <u>300</u> | <u>500</u> | <u>No</u> |
| <u>7317. Expired Individual License</u> | <u>250</u> | <u>300</u> | <u>500</u> | <u>No</u> |
| <u>7317. Individual Working in an Expired Establishment</u> | <u>25</u> | <u>50</u> | <u>100</u> | <u>No</u> |
| <u>7317. Individual Working in an Unlicensed Establishment</u> | <u>250</u> | <u>300</u> | <u>500</u> | <u>No</u> |
| 7320. <u>Practice of Medicine</u> | 1,000 | <u>1,000</u> | <u>1,000</u> | No |
| 7320.1. <u>Use of Illegal Metal Instruments</u> | 500 <u>250</u> | <u>500</u> | <u>500</u> | No |

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|---|--------------------------|--------------|--------------|----|
| 7320.2. <u>Illegal Treatment Methods</u> | 500 | <u>500</u> | <u>500</u> | No |
| 7320.3 | 400 | | | No |
| 7320.4 | 400 | | | No |
| 7336. <u>No Supervision of Apprentice</u> | 100 | <u>150</u> | <u>200</u> | No |
| 7347 | 400 | | | No |
| 7348. <u>No Licensee in Charge of Establishment</u> | 100 | <u>150</u> | <u>200</u> | No |
| 7349. <u>Employing Unlicensed Persons</u> | 1,000 | <u>1,000</u> | <u>1,000</u> | No |
| 7349.1. <u>Illegal Use of a Barber Pole</u> | 400 <u>25</u> | <u>50</u> | <u>100</u> | No |
| 7350. <u>Establishment – Residential Use/Entrance/Prohibited Use</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 7351. <u>Restroom Requirement – Clean/Storage/Floor/Vented</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 7352. <u>No Soap/Towels or Air Hand Dryers in Hand Washing Facilities</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 7358. <u>No Licensee in Charge of Mobile Unit</u> | 100 | <u>150</u> | <u>200</u> | No |
| 7359. <u>Employing Unlicensed Person in Mobile Unit</u> | 1,000 | <u>1,000</u> | <u>1,000</u> | No |
| 7360. <u>Mobile Unit – Residential/Entrance/Prohibited Use</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 7400. <u>No Change of Address Notice Filed</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 7404(f)(l). <u>Interference with Inspection</u> | <u>200</u> | <u>300</u> | <u>500</u> | No |
| 904(a) | 400 | | | No |
| 904(d). <u>No Photographic Identification Available</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 905. <u>Consumer Info. Not Posted/Incorrect Size of Print (Health & Safety)</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 920. <u>Apprentice Training Records Not Available/Incomplete</u> | 100 | <u>150</u> | <u>200</u> | No |
| 965(a). License Not Displayed at Work Station <u>Display of Licenses</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 965(b). Establishment License Not Posted in Reception Area | 400 <u>50</u> | <u>400</u> | <u>150</u> | No |
| 965(c). Display of Expired/Invalid License | 400 <u>50</u> | <u>400</u> | <u>150</u> | No |
| 978(a)(1). Waste Receptacle Not Covered <u>Minimum Equipment and Supplies (a)(1).(a)(2).(a)(3).(a)(4). Receptacles, Cabinets, and Containers</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 978(a)(2). Closed Receptacles for Soiled Towels/Gowns/Sheets | 400 <u>50</u> | <u>400</u> | <u>150</u> | No |
| 978(a)(3). Closed Cabinet for Clean Sheets | 400 <u>50</u> | <u>150</u> | <u>200</u> | No |
| 978(a)(4). No Disinfectant Container | 400 | <u>400</u> | <u>150</u> | No |
| 978(a)(5). <u>Insufficient Disinfectant in Container for Total Immersion</u> | 100 | <u>150</u> | <u>200</u> | No |
| 978(a)(6). <u>No Steam/Dry Heat Sterilizer for Electrology Instruments</u> | 400 <u>500</u> | <u>1,000</u> | <u>1,500</u> | No |
| 978(b). <u>No Disinfectant Solution Available for Use</u> | 500 <u>250</u> | <u>300</u> | <u>500</u> | No |

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|---|---------------------------|----------------|----------------|---------------|
| 978(c). <u>No Manufacturer-Labeled Container for Disinfectant</u> | 500 <u>250</u> | <u>300</u> | <u>500</u> | No |
| 979(a). Non-Electrical Items Not Disinfected Properly <u>Disinfecting Non-Electrical Instruments and Equipment</u> | 500 <u>100</u> | <u>250</u> | <u>500</u> | No |
| 979(b). Disinfectant Not Changed/Covered | 100 | 150 | <u>200</u> | No |
| 979(c). Soiled Non-electrical Instruments Not in Labeled Receptacle | 100 <u>50</u> | 100 | 150 | No |
| 979(d). Incorrect Storage of Non-electrical Disinfected Items/Clean/Covered/Labeled | 100 <u>50</u> | 100 | 150 | No |
| 980(a). <u>Incorrect Disinfection of Electrical Items</u> | 500 <u>100</u> | <u>250</u> | <u>500</u> | No |
| 980(b). <u>Incorrect Storage of Electrical Disinfected Items</u> | 500 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 980.1. <u>Incorrect Disinfection of Pedicure Spas (Per Chair)</u> | <u>500</u> | <u>500</u> | <u>500</u> | No |
| 980.1(c)(7). 980.1(d)(8). <u>Incorrect/Missing Log</u> 980.1(e)(4). | <u>100</u> | <u>150</u> | <u>200</u> | <u>No</u> |
| 980.2. <u>Incorrect Disinfection of "Pipeless" Footspas (Per Unit)</u> | <u>500</u> | <u>500</u> | <u>500</u> | No |
| 980.2(b)(7). 980.2(c)(6). <u>Incorrect/Missing Log</u> 980.2(d)(3). | <u>100</u> | <u>150</u> | <u>200</u> | <u>No</u> |
| 980.3. <u>Incorrect Disinfection of "Non-Whirlpool Foot Basin" (Per Unit)</u> | 500 <u>100</u> | <u>150</u> | <u>200</u> | No |
| 980.3(b)(6). <u>Incorrect/Missing Log</u> | <u>50</u> | <u>100</u> | <u>150</u> | <u>No</u> |
| 981(a). <u>No Disposal of Non-Disinfected Items</u> | <u>100</u> | <u>150</u> | <u>200</u> | No |
| 981(b). <u>Carry Instruments of or Supplies in or on Garments</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 982. <u>Incorrect Sterilization of Electrology Instruments</u> | 500 <u>100</u> | <u>150</u> | <u>200</u> | No |
| 983(a). <u>Person/Attire Not Clean Personal Cleanliness</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | <u>No</u> |
| 983(b). <u>Not Washing Hands Before Services</u> | 400 <u>50</u> | 100 | 150 | No |
| 984. <u>Work on Person with Infectious/Communicable Disease</u> | <u>100</u> | <u>250</u> | <u>500</u> | No |
| 985. <u>No Use of Neck Strips or Towel</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 986. <u>Neck Dusters/Brushes Not Clean or Sanitary</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 987(a). <u>Towels Not Covered/Laundered</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 987(b). <u>Incorrect Method of Laundering Towels</u> | 400 <u>50</u> | 400 | 150 | No |
| 987(c). <u>Clean Towels Not Stored in Clean Cabinets</u> | 400 <u>50</u> | 400 | 150 | No |
| 988(a). <u>Cosmetics Not in Clean/Closed Containers-Liquids, Creams, Powders and Cosmetics</u> | 400 <u>50</u> | <u>100</u> | <u>150</u> | No |
| 988(b). <u>Containers Not Labeled/No Poison Label</u> | 400 <u>50</u> | 400 | 150 | No |
| 988(c). <u>Removing Cosmetic Preparations Causing Contamination</u> | 400 | 150 | <u>200</u> | No |
| 988(d). <u>Cosmetic Pencils Not Sharpened Before Use</u> | 400 <u>50</u> | 400 | 150 | No |
| 989. <u>Prohibited Hazardous Substance/Use of Product</u> | <u>500</u> | <u>500</u> | <u>500</u> | No |

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|---|--------------------|------------|------------|---------------|
| 990(a). Headrests and Treatment Tables Not Clean/Covered | 400 50 | <u>100</u> | <u>150</u> | No |
| 990(b). Shampoo Bowls Not Clean/Repaired | 100 50 | <u>100</u> | <u>150</u> | No |
| 990(c). Treatment Tables Not Clean/Covered | 100 50 | <u>100</u> | <u>150</u> | No |
| 991. Performing Invasive Procedures | 500 | <u>500</u> | <u>500</u> | No |
| 992. Performing Invasive Skin Peeling/Dermis | 500 | <u>500</u> | <u>500</u> | No |
| 993(a). Illegal Prohibited Instruments on Premises/Razor Edged Tools | 500 300 | <u>400</u> | <u>500</u> | No |
| 993(b). Illegal Instruments on Premises/Needle-like Instruments | 500 300 | <u>400</u> | <u>500</u> | No |
| 994(a). Floors/Walls/Equipment Not in Clean Condition Cleanliness and Repair | 100 50 | <u>100</u> | <u>150</u> | No |
| 994(b). Accumulation of Waste | 100 50 | <u>100</u> | <u>150</u> | No |
| 995(b). No Hot/Cold Running Water in Area/Room Building Standards (b), (c), (d), (e). Plumbing Standards | 100 50 | <u>100</u> | <u>150</u> | No |
| 995(c). No Potable Drinking Water/Cups | 100 50 | <u>100</u> | <u>150</u> | No |
| 995(d). Hand Washing Facilities — No Running Water/Location | 100 50 | <u>100</u> | <u>150</u> | No |
| 995(e). No Public Restroom Located on Premises | 100 50 | <u>100</u> | <u>150</u> | No |

(b) A violation indicated in subdivision (a) as not ~~correctable~~ waivable *waivable* means that *the Board, in its discretion, has determined that the violation cannot be corrected pursuant to Business and Professions Code Section 7407, and therefore that* the fine for the first violation may not be avoided as provided for in Section 7409 of the Business and Professions Code.

NOTE: Authority cited: Sections 7312, ~~and 7407-7406,~~ *and 7407,* Business and Professions Code. Reference: Sections ~~7406~~ 7406, 7407 and 7409, Business and Professions Code.